

REMARKS

REMARKS ABOUT THE PRIOR ART REJECTIONS:

In the Office Action mailed November 8, 2005, the Examiner rejected all of the claims under 35 USC 102 as being anticipated by U.S. Patent No. 5,836,930 to Lantz et al. Applicants respectfully disagree for at least the following reasons.

Claims 1-10, 17-19 and 21-23:

Claim 1 has been amended to recite that “said body chassis is formed from a laminate structure having a plurality of layers, wherein *all of said layers have the same length* such that *a thickness of said body chassis is the same along said length of said layers*.” Method claim 17 includes a similar recitation. Support for these amendments is found, for example and without limitation, in the Specification at page 6, lines 8-23, at page 8, lines 18-25 and at Figure 4.

In contrast, Lantz discloses an outermost layer of material 84, 85 connected to overlies the outer cover along the front and rear waistband regions, with the “outermost resilient material [having] a lengthwise extent which is less than the length of the outer cover” (Abstract, see also Col. 24, lines 42-51). In particular, Lantz teaches that a “resilient patch 84 has a patch length 86 which extends longitudinally of the diaper along not more than about 30 percent of the article length 90, and preferably, extends along not more than about 15 percent of the article length[,] in further aspects of the invention, patch length 86 can be configured to extend not more than about 10 percent of the article length, and particular aspects of the invention include a resilient patch which extends longitudinally of the diaper along not less than about 2 percent of the article length to provide desired benefits” (Col. 24, lines 42-51).

Lantz goes on to state that the front patch 84 is spaced from the laterally extending, terminal edge 60 of absorbent structure by a discrete distance to facilitate the folding operation” (Col. 24, lines 9-11). For these reasons, Lantz does not disclose the recited configuration and in fact *expressly* teaches against making *all*

layers of the body chassis the same length.

Claims 11-16 and 20:

Claim 11 recites “a front body panel comprising a terminal waist edge and a *terminal crotch edge*; a rear body panel comprising a terminal waist edge and a *terminal crotch edge*, wherein *said terminal crotch edge of said rear body panel is longitudinally spaced from and forms a gap with said terminal crotch edge of said front body panel . . .*; and an absorbent insert comprising first and second longitudinally spaced end portions each having a *terminal edge* and opposite laterally spaced side edges, wherein said absorbent insert bridges said gap between said front and rear body panels with *said first and second end portions overlying and connected to said front and rear body panels* respectively and with *said terminal edges of said first and second end portions longitudinally spaced from said terminal waist edges of said front and rear body panels respectively and with said terminal edges of said first and second end portions longitudinally spaced from said terminal crotch edges of said front and rear body panels.*” Method claim 20 recites similar limitations.

As shown in FIGS. 1 and 4, Applicants have invented a unique three-piece garment having spaced apart front and rear body panels and an absorbent insert connected thereto. The three-piece construction reduces the overall material costs and allows the manufacture to easily change the size of the undergarment.

As recited in claims 11 and 20, each body panel has a “terminal” crotch “*edge*” 14, 22 (Specification at 4, line 29 to 5, line 4; see also FIGS. 1 and 4). In contrast, as recited by the Examiner, Lantz discloses only a *single unitary* outer cover 30 that “provides a rear waistband portion 14 and a front waistband portion 12” and a crotch region 16 connecting those portions (Col. 4, lines 4-28). Lantz further discloses that the outer cover 30 defines the “*length 90 and width 92 of the article*” (Col. 3, lines 26-40; Col. 4, lines 1-4; FIGS. 1-6). As shown in FIG. 1 of

Lantz, the length 90 extends from one waist edge to the other. None of front and rear waistband portions, or even the crotch region, however, has a “*terminal edge*” in the crotch region. At most, those portions/regions have some arbitrary boundary, which boundary is not even shown in Lantz. Indeed, as shown in FIGS. 2-6 of Lantz, the chassis is of a unitary construction that extends from one terminal waist edge to the other – Lantz is completely devoid of any terminal edges at the interface between the crotch region and either of the front and rear waist portions.

Moreover, even if the Examiner were to assert that some imaginary boundary exists between either of the front or rear waistband portions 12, 14 and the crotch region 16 of Lantz, and that such a boundary forms a “terminal edge” of each portion, the terminal edges at each junction cannot possibly be longitudinally spaced from each other, as recited in claims 11 and 20, because the front waistband portion, the rear waistband portion and the crotch region 16 are made of the same components, namely topsheet 28 and backsheet 30 (see Lantz at FIGS. 1 and 2). As such, the front waistband portion 12 and the crotch region 16 necessarily have the same boundary at the junction thereof. Therefore, it is not possible for the boundary of the front waistband 12 in the crotch region to be “longitudinally spaced” from the boundary of the crotch region 16, as recited in claims 11 and 20, since those boundaries are necessarily one and the same. Likewise, the rear waistband portion 14 and the crotch region 16 necessarily have the same boundary at the junction thereof, and it is not possible for those boundaries to be longitudinally spaced, since they are one and the same.

The Examiner also cannot assert that patches 84 and 85 constitute the front and rear body panels of Lantz, since the absorbent structure 32 does not overlie either of those portions (see FIGS. 2 and 3) as recited in claims 11 and 20. Indeed, as explained above, Lantz expressly teaches that the patch 84 is “spaced from the laterally extending, terminal edge 60 of the absorbent structure 32 by a discrete distance to facilitate the folding operation” (Col. 24, lines 9-12).

On the same note, the Examiner cannot argue that the backsheet 30 and topsheet 28 of Lantz also make up a portion of the absorbent insert that overlies the patches 84, 85, since the terminal *waist edges* of the topsheet 28 and backsheet 30 are *not* "longitudinally spaced from said *terminal waist edges*" of the patches 84, 85, as recited in claim 11. Rather the edges of the backsheet 30 and topsheet 28 are *even* with the waist edges of the patches 84, 85 (see Lantz at FIG. 1 and 2).

For all of these reasons, claims 11-16 and 20 are patentable over Lantz.


Conclusion:

If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Respectfully Submitted,

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